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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,083	06/06/2001	Dean C. Marchand	COS-99-012	6214

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MCI, INC
TECHNOLOGY LAW DEPARTMENT
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EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/875,083

Applicant(s)

MARCHAND ET AL.

Examiner

William J Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14 and 17-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

In view of the Appeal Brief filed on September 3, 2004, PROSECUTION IS HEREBY REOPENED. Note the Non-Final Office Action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

The drawings are objected to because Fig. 1 should be labeled Prior Art, as this is what applicant states Fig. 1 is in the Brief Description of the Figures in the instant application. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, it is unclear as to which database; "the database" is referring, as there are two databases in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1 – 4, 8 – 12, 14 and 17 - 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,307,926 (Barton et al.).

Barton et al. disclose a system for detection and prevention of telecommunications fraud prior to call connections. Barton et al. discloses a fraud analysis system 22, an SCP 16, an LEC and an IXC. As shown below, the databases of the IXC and LEC are mutually accessible to pass and obtain information.

With respect to claims 1, 4, 10 – 11 and 17, note Col. 7, lines 10 – 55. Note that the SCP in the IXC has a database containing originating phone numbers (note Col. 4, lines 56 – 63), with respect to “special service numbers”, note the use of calling card numbers, which are usually 1-800 numbers (in addition, note the use of hotel numbers; typically 1-800). Additionally, note page 6, line 16 of the instant application). With respect to subsequent calls, note that there is a post fraudulent analysis (see Col. 6, lines 19 – 30) and pre-connect screening and FEP 200, see Col.7, lines 32 – 65. With respect to blocking, note Col. 6, lines 26 – 30, among others. With respect to providing the suspicious originating phone number to another database accessible by the LEC, note that the IXC provides the LEC with pre-connect fraud screening (Col. 7, lines 38 – 46) which includes originating numbers. Certainly, the LEC can access its own database. In addition, note the “alternatively and additionally” language, indicating more databases to store information (Col. 7, lines 17 – 24). Additionally, note Col. 7, lines 52 – 55, where the LEC has access to the SCP database.

With respect to claim 2, note SCPMS 18 in Fig. 1.

With respect to claims 3 and 18, note Col. 9, lines 42 – 44.

With respect to claims 8 and 9, note use of Signaling System 7 (SS7) at Col. 5, lines 43 – 45.

With respect to claim 12, note Col. 6, lines 48 – 54.

With respect to claim 14, note ARMS 20 and Col. 11, line 62 – line 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. in view of the instant application.

With respect to claim 5 and “threshold”, note Col. 3, lines 18 – 25 and Col. 11, line 67 – Col. 12, line 2. Using a threshold would come under “any variety of fraud screening.”

With respect to claims 7 and 13, note that Barton et al. deals with calling cards (see Col. 4, lines 39 – 42). Note that Fig. 1, which is prior art (see page 7, lines 29 – 30) and page 4, lines 1 – 13. Therefore, the limitations of claims 7 and 13 appear to be inherent in Barton et al. If this is not agreed, then certainly, the inclusion of such limitations into Barton et al. would have been obvious to one of ordinary skill in the art as such limitations are old and well known in the art in the use of calling cards.

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Response to Arguments


Applicant's arguments with respect to claims 1 – 5, 7 – 14 and 17 - 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

26Nov04


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER


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